

D/C

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

R.A.No. 375 of 1993

Date of decision 28/10/93

in

O.A.No.82 of 1988.

Dr.H.S.ThukralApplicant .

Versus.

Union of India & anotherRespondents.

By circulation:

O R D E R

This is a petition filed on 8.10.93 by Shri H.S.Thukral praying for review of the judgment dated 25.8.93 in O.A.No.82 of 1988 'Dr.H.S.Thukral Vs. Union of India & another'.

2. Under Order 47 Rule 1CPC., a decision/judgment/order can be reviewed only if;

- i) it suffers from an error apparent on the face of the record;
- ii) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that party at the time the judgment was made, despite due diligence; or
- iii) for any sufficient reason construed to mean analogous reason.

3. The applicant has alleged that certain errors have been committed which are apparent on the face of record and has also asserted that certain new information/document has come to his knowledge which was not within his possession at the time of judgment inspite of his due diligence.

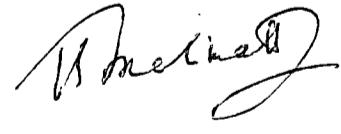
4. In so far as the alleged errors apparent on the face of record are concerned, they relate mainly to the absorption of respondent no.3 Shri S.K. Gupta in RAW and his consequent promotion, thereby harming the applicant's own chances, as well as the non-review of the promotion of the respondent no.3. These points were also raised by the applicant

in the O.A. and have been discussed in detail in the impugned judgment and the findings on these points are based on sound and cogent reasons. We are satisfied that no errors have been committed which are apparent on the face of record.

5. In so far as the discovery of new information/document is concerned, it is not enough for the applicant merely to state that after the decision/judgment in the O.A. was pronounced, he has come across certain information. No reasons have been given as to why this information could not be made available at the time of judgment. Moreover, there is nothing to support the applicant's assertions in the review petition that the DPC that was held for considering the names of three officers including the applicant and the respondent no. 3 Shri S.K.Gupta for promotion, did not consider the select list, and that if the DPC had seen the select list, the outcome of the DPC of 1986 would have been otherwise. These assertions appear to be based upon mere surmises and conjectures and are unrelated to the discovery of new material which was not within the applicant's knowledge or could not be produced by him at the time the judgment was made, despite due diligence.

5. Under the circumstances, this review petition has no merit and it is accordingly dismissed.


(S.R. ADIGE)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN.